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09/651,654	08/30/2000	Satoshi Yashiro	CANO:013	2191

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EXAMINER
ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/651,654	YASHIRO, SATOSHI	
	Examiner	Art Unit	
	Mohammad Ali	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-9,12-15 and 18-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-9,12-15 and 18-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the amendment filed on 1/28/06.

Claims 1-3, 6-9, 12-15 and 18-22 are pending in this Office Action. Claim 22 added as new.

Response to Arguments

2. After further search and a thorough examination of the present application claims 1-3, 6-9, 12-15 and 18-22 remains rejected.

Applicants' arguments with respect to claims 1-3, 6-9, 12-15 and 18-22 have been considered, but they are not deemed to be persuasive.

Third, Applicant's argue that combination of references fails to suggests or teach 'outputting images in the order according to a plurality of levels of importance of the keyword associated with a plurality of different images'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Sano teaches this limitation as the management character number of a desired micro cartridge film is displayed in the image display or is printed out by the image printer, so that the operator can recognize the key word by the character string. This management character number may be also stored into the file simultaneously with the output. To further enable the key word to be changed to the key word that can be easily searched by the user, a check is made to see if the correction of the search information is instructed from the keyboard or not. If it is instructed, the original management number, image information, and corrected management number (search information) are correlated and are loaded in the disc file, see col. 5, lines 20-32, Sano.

Sano does not explicitly indicate "levels of importance". Jones remedy such kinds deficiency by teaching selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones). It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the levels importance of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones. Further, levels of importance as taught by Jones improves to generates information to display from an input publication files (see col. 3, lines 42-45, Jones).

Further, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sano does not explicitly indicate "levels of importance". Jones remedy such kinds deficiency by teaching selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones). It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the levels

importance of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones. Further, levels of importance as taught by Jones improves to generates information to display from an input publication files (see col. 3, lines 42-45, Jones).

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Different images taught by Sano as, image information including discriminating information to discriminate the image "different" information or a plurality of image information of the same group from another image information, see col. 2, lines 58-61.

Referring to a keyword table in a memory taught by Sano as, information representative of the kind of image, character pattern is photographed in the first image 10 and the key word or the like is read and analyzed until the electronic micro reader detects the right end of the image, thereby producing the key word (search information) to search the image or a series of subsequent images. This search information is loaded into the first memory (or disk file 11 "table") together with the image information to be searched, see col. 5, lines 45-55.

Searching the different images according to an input search query related taught by Sano as, enable the key word to be changed to the key word that can be easily

searched by the user, a check is made in step S8 to see if the correction of the search information is instructed from the keyboard or not, see col. 5, lines 26-29.

Levels of importance taught by Jones as, selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones. It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the HTML format of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones.

Hence, Applicants' arguments do not distinguish over the claimed invention over the prior art of record.

In light of the foregoing arguments, the 103 rejections are hereby sustained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 6-9, 12-15 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshitaka Sano ('Sano' hereinafter), US Patent 5,038,379 in view of Jones et al. ('Jones' hereinafter), USP 6,415,302.

With respect to claim 1,

Sano discloses the claimed invention including, an image search apparatus (col. 1, lines 10-15) comprising:

reffering means for reffering to a keyword table in a memory (information representative of the kind of image, character pattern is photographed in the first image 10 and the key word or the like is read and analyzed until the electronic micro reader detects the right end of the image, thereby producing the key word (search information) to search the image or a series of subsequent images. This search information is loaded into the first memory (or disk file 11 "table") together with the image information to be searched, see col. 5, lines 45-55, Sano), wherein the keyword table includes a keyword that corresponds to a plurality of different images (image information including discriminating information to discriminate the image "different" information or a plurality of image information of the same group from another image information, see col. 2, lines 58-61, Sano) and a plurality of levels of importance of the keyword with respect to said plurality of images as (col. 2, lines 1-8, et seq);

search means for searching said plurality different images according to an input search query related to the keyword is taught by Sano as search in the image information inputted from an image inputting apparatus and thereby to produce the search information to search desired image information in consideration (col. 1, lines 58-62);

acquiring means for acquiring said plurality of levels of importance of the keyword based on the images searched by said search means (enable the key word to be

changed to the key word that can be easily searched by the user, a check is made in step S8 to see if the correction of the search information is instructed from the keyboard or not, see col. 5, lines 26-29, Sano); and

outputting means for outputting the said plurality of images searched by said search means in an order according to said plurality of levels of importance of the keyword acquired by said acquiring means is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "levels of importance".

Jones discloses the levels of importance (selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the levels importance of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones. Further, levels of importance as taught by Jones improves to generates information to display from an input publication files (see col. 3, lines 42-45, Jones).

As to claim 2,

'wherein said output means output,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

As to claim 3,

wherein said acquiring means for acquires said accordance,..... (col. 1, lines 45-53 et seq); and

'output means for outputs said plurality of images,....' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 45-61, col. 1, lines 58-67, et seq).

As to claim 6,

'wherein said image search,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "HTML format".

Jones discloses the levels of importance (see col. 11, lines 23-25, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the HTML format of Jones' teachings would have allowed Sano's system provides for

simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones.

With respect to claim 7,

Sano discloses an image search method,... (col. 1, lines 10-15) comprising:

reffering controlling step for reffering to a keyword table in a memory (information representative of the kind of image, character pattern is photographed in the first image 10 and the key word or the like is read and analyzed until the electronic micro reader detects the right end of the image, thereby producing the key word (search information) to search the image or a series of subsequent images. This search information is loaded into the first memory (or disk file 11 "table") together with the image information to be searched, see col. 5, lines 45-55, Sano), wherein the keyword table includes a keyword that corresponds to a plurality of different images (image information including discriminating information to discriminate the image "different" information or a plurality of image information of the same group from another image information, see col. 2, lines 58-61, Sano) and a plurality of levels of importance of the keyword with respect to said plurality of different images as (col. 2, lines 1-8, et seq);

a searching step of earching said plurality of different images according to an input search query related (enable the key word to be changed to the key word that can be easily searched by the user, a check is made in step S8 to see if the correction of the search information is instructed from the keyboard or not, see col. 5, lines 26-29) to the keyword is taught by Sano as search in the image information inputted from an image

inputting apparatus and thereby to produce the search information to search desired image information in consideration (col. 1, lines 58-62);

an acquiring step for acquiring said plurality of levels of importance of the keyword based on the images searched by said acquiring step as (col. 2, lines 454-53, Sano); and

an output means for outputting the said plurality of images searched by said search means in an order according to said plurality of levels of importance of the keyword acquired by said acquiring step is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "levels of importance".

Jones discloses the levels of importance (selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the levels importance of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones. Further, levels of importance as taught by Jones improves to generates information to display from an input publication files (see col. 3, lines 42-45, Jones).

As to claim 8,

'wherein image data output,... ' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

As to claim 9,

wherein said acquiring means for acquires said accordance,..... (col. 1, lines 45-53 et seq); and

'output means for outputs said plurality of images,....' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 45-61, col. 1, lines 58-67, et seq).

As to claim 12,

'wherein said input step comprises receiving a search query,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "HTML format".

Jones discloses the levels of importance (see col. 11, lines 23-25, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because

the HTML format of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones.

With respect to claim 13,

Sano discloses the claimed invention including, a storage medium that can be read by,... comprising instructions for (col. 1, lines 10-15):

'reffering keyword table in a memory (information representative of the kind of image, character pattern is photographed in the first image 10 and the key word or the like is read and analyzed until the electronic micro reader detects the right end of the image, thereby producing the key word (search information) to search the image or a series of subsequent images. This search information is loaded into the first memory (or disk file 11 "table") together with the image information to be searched, see col. 5, lines 45-55, Sano), wherein the keyword table includes a keyword that corresponds to a plurality of different images (image information including discriminating information to discriminate the image "different" information or a plurality of image information of the same group from another image information, see col. 2, lines 58-61, Sano) and a plurality of levels of importance of the keyword with respect to said plurality of different images' as (col. 2, lines 1-8, et seq);

'searching said plurality of different images according to an input search query related (enable the key word to be changed to the key word that can be easily searched by the user, a check is made in step S8 to see if the correction of the search information is instructed from the keyboard or not, see col. 5, lines 26-29, Sano) to the keyword' is

taught by Sano as search in the image information inputted from an image inputting apparatus and thereby to produce the search information to search desired image information in consideration (col. 1, lines 58-62);

'acquiring said plurality of levels of importance of the keyword based on the images searched by said searching instruction' as (col. 2, lines 454-53, Sano); and

'outputting means for outputting the said plurality of images searched by said search means in an order according to said plurality of levels of importance of the keyword acquired by said acquiring instruction' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "levels of importance".

Jones discloses the levels of importance (selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the levels importance of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones. Further, levels of importance as taught by Jones improves to generates information to display from an input publication files (see col. 3, lines 42-45, Jones).

As to claim 14,

'wherein plurality of images,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

As to claim 15,

wherein said acquiring means for acquires said accordance,..... (col. 1, lines 45-53 et seq); and

'output means for outputs said plurality of images,....' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 45-61, col. 1, lines 58-67, et seq).

As to claim 18,

'wherein said image search,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "HTML format".

Jones discloses the levels of importance (see col. 11, lines 23-25, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because

the HTML format of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones.

Claims 19-22 have the same subject matter as of claims 1, 7, and 13 and essentially rejected for the same reasons as discussed above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Ali
Primary Examiner
Art Unit 2166

MA
March 31, 2006